

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

HUNG DINH LUONG,

Petitioner,

v.

KRISTJEN NIELSEN, et al.,

Respondents.

Case No.: **4:18-cv-00570-AKK-JEO**

MEMORANDUM OPINION

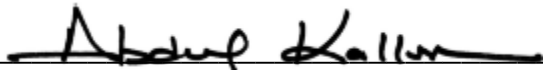
This case is before the court on Respondents’ Motion to Dismiss Petition as Moot. Doc. 5. In the motion, Respondents note Petitioner was released from ICE custody on April 26, 2018, pursuant to an Order of Supervision. Doc. 5-1. Because Petitioner has been released, Respondents contend this case is moot. Doc. 5 at 1-3.

Petitioner filed this action seeking a writ of habeas corpus to be released from custody pending his removal to Vietnam. Doc. 1. In light of Petitioner’s release on an Order of Supervision, the court can no longer provide any meaningful relief, and his petition is moot. *See Nyaga v. Ashcroft*, 323 F.3d 906, 913 (11th Cir. 2003) (“a case must be dismissed as moot if the court can no longer provide ‘meaningful relief’”); *see also Spencer v. Kemna*, 523 U.S. 1, 7-8 (1998) (once a habeas petitioner is released from custody, he must demonstrate collateral

consequences to avoid mootness doctrine). Accordingly, this matter is due to be dismissed. *Khader v. Holder*, 843 F. Supp. 2d 1202, 1202 (N.D. Ala. 2011). Additionally, Respondents' motion for extension of time to respond to the Order to Show Cause is moot. Doc. 4.

A separate order will be entered.

DONE the 8th day of May, 2018.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE